

**REMARKS****Status of the Claims**

Claims 1 and 4-10 are currently present in the Application, and claim 1 is an independent claim. Claims 1 and 4-9 have been amended, claims 2-3 and 11-30 have been canceled, and no claims have been added.

Applicants are not conceding that the subject matter encompassed by claims 1-30, prior to this amendment, are not patentable over the art cited by the Examiner. Claims 1 and 4-10 were amended and claims 2-3 and 11-30 were canceled in this Amendment solely to facilitate expeditious prosecution of this Application. Applicants respectfully reserve the right to pursue claims, including the subject matter encompassed by claims 1-30 as presented prior to this Amendment, and additional claims in one or more continuing applications.

**Information Disclosure Statement**

Applicants note that the Examiner did not initial Applicants' "AN" reference on Applicants' Information Disclosure Statement mailed on March 29, 2007, which is a publication by Stallman. Applicants request that the Examiner send Applicants a copy of PTO-1449 with the "AN" reference initialed.

**Drawings**

Applicants note that the Examiner has still not indicated whether the formal drawings, filed with Applicants' application, are accepted by the Examiner. Applicants respectfully request that the Examiner indicate whether the formal drawings are accepted in the next office communication.

**Claim Objections Under 35 U.S.C. § 112**

Claims 1-10 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Claims 2-3 have been canceled in this response and, therefore, rejections to these claims are moot. Applicants have amended claim 1

in this response accordingly and request removal of the 112 rejection to claims 1 and 4-10.

### **Claim Rejections**

Claims 1, 3, 7-10, 21, 23, and 27-30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ansari et al. (U.S. Patent No. 6,473,897, hereinafter "Ansari") in view of D'Souza (U.S. Patent No. 6,446,218, hereinafter "D'Souza"). Applicants respectfully traverse these rejections. Claims 21, 23, and 27-30 have been canceled in this response and, therefore, rejections to these claims are moot.

Claims 2, 4-5, 11-15, 17-20, 22, and 24-25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ansari in view of D'Souza and further in view of Odinak et al. (U.S. Patent Pub. 2005/0081187, hereinafter "Odinak"). Applicants respectfully traverse these rejections. Claims 2, 11-15, 17-20, 22, and 24-25 have been canceled in this response and, therefore, rejections to these claims are moot.

Applicants have amended claim 1 to include limitations of claims 2-3, along with further defining that Applicants' first processor loads an executable file onto a second processor using a runtime loader loaded onto the first processor. Support for such amendment may be found in Applicants' Figures 43-45 and in Applicants' specification on page 47, line 13 through page 48, line 6. Therefore, no new matter is added with such amendment. As amended, Applicants' independent claim 1 is directed toward a method with limitations comprising:

- executing a program on a first processor;
- in response to executing the program, loading a runtime loader onto the first processor;
- using the runtime loader loaded on the first processor to retrieve an executable file;
- using the runtime loader to extract a processor identifier from the executable file, the processor identifier corresponding to the file;
- determining, using the runtime loader, whether to load the executable file on a second processor based upon whether the processor identifier corresponds to the second processor; and

- using the runtime loader to load the executable file from the first processor onto the second processor in response to determining that the processor identifier corresponds to the second processor.

Applicants execute a program on a first processor, which loads a runtime loader onto the first processor. The runtime loader retrieves an executable file and extracts a program identifier from the executable file in order to determine whether to load the executable file onto the first processor or a second processor. When the program identifier signifies that the executable file should be loaded onto a second processor, the runtime loader loads the executable file from the first processor onto the second processor.

In contrast, Ansari extracts a processor type identifier on a section-by-section basis from a **source code file** (not an executable file as claimed by Applicants), and generates executable code (not at runtime) that is specific to a processor type (for each section) based upon the processor type identifier. When Ansari's processor executes the executable code, the processor checks a CPU indicator value and jumps to a location in the executable code to execute the processor-specific code. The Office Action uses *Odinak* to reject some of Applicants' runtime loader limitations. After further review, however, neither *Odinak*, nor Ansari teach or suggest many of Applicants' claim 1 limitations, which are *"using the runtime loader to extract a processor identifier from the executable file"* and *"determining...whether to load the executable file on a second processor based upon whether the processor identifier corresponds to the second processor."*

Regarding Ansari, Ansari never determines whether to load the executable file, which is the same file from which the processor identifier was retrieved. Rather, Ansari analyzes source code (during compile time) and generates a separate compiled file to load on a different processor. Ansari states:

"... a method is disclosed which includes a compiler analyzing a source code segment. The compiler determines whether generating a customized version of object code for the source code segment to execute on one of several types of processors would provide a performance advantage...If so, the compiler generates the customized version of object

code; otherwise, the compiler generates the non-customized version of object code.” (col. 2, lines 11-19, emphasis added)

As can be seen from the above excerpt, Ansari analyzes source code and generates a separate object code file to load on a processor, which is different than extracting a processor identifier from an executable file and loading the same executable file onto a different processor based upon the processor identifier as claimed by Applicants.

Odinak's teachings are similar to Ansari. Odinak states:

“As described above, parser 412 receives the source code, identifies data objects within the source code, and separates the data objects from the executable bytecodes...In step 706, the bytecode and data objects are passed to the translator(s), as they are translated into an executable form.” (page 6, paragraphs 66-67, emphasis added)

As can be seen from the above excerpt, Odinak, like Ansari, analyzes source code and generates a separate executable file to load on a processor. As such, neither Ansari nor Odinak teach or suggest extracting a processor identifier from an executable file and loading the same executable file onto a different processor based upon the processor identifier as claimed by Applicants. The Office Action does not suggest that D'Souza teaches or suggests such limitations, and indeed D'Souza does not teach such limitations.

Therefore, since Ansari, D'Souza, or Odinak do not teach or suggest, either alone or in combination with each other, all the limitations included in Applicants' claim 1 as amended, amended claim 1 is allowable over Ansari in view of D'Souza and further in view of Odinak.

Each of the remaining claims 4-5 and 7-10 depend upon allowable independent claim 1. Therefore, each of claims 4-5 and 7-10 is allowable for at least the same reasons as claim 1 is allowable as discussed above.

Claims 6 and 26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ansari in view of D'Souza and further in view of Zwirner (U.S. Patent Pub. 2004/0181785, hereinafter “Zwirner”). Applicants respectfully traverse these rejections.

Claim 26 has been canceled in this response and, therefore, rejection to this claim is moot. Claim 6 is dependent upon independent claim 1 and, therefore, is allowable for at least the same reason that claim 1 is allowable as discussed above.

Claim 16 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Ansari in view of D'Souza in view of Odinak and further in view of Zwirner. Claim 16 has been canceled in this response and, therefore, rejection to this claim is moot.

### **Conclusion**

As a result of the foregoing, it is asserted by Applicants that the remaining claims in the Application are in condition for allowance, and Applicants respectfully request an early allowance of such claims.

Applicants respectfully request that the Examiner contact the Applicants' attorney listed below if the Examiner believes that such a discussion would be helpful in resolving any remaining questions or issues related to this Application.

Respectfully submitted,

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